



INTERIOR BOARD OF INDIAN APPEALS

Glenn Waters v. Acting Phoenix Area Director, Bureau of Indian Affairs

36 IBIA 72 (03/19/2001)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

GLENN WATERS,
Appellant

v.

ACTING PHOENIX AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Docketing and Dismissing
: Appeal
:
:
: Docket No. IBIA 01-89-A
:
:
: March 19, 2001

On March 12, 2001, the Board of Indian Appeals received an apparent notice of appeal from Glenn Waters (Appellant). Appellant evidently seeks to challenge an August 9, 1996, decision of the Acting Phoenix Area Director, Bureau of Indian Affairs (Area Director; BIA), 1/ which terminated Appellant's permit on the Colorado River Indian Reservation.

The Area Director's decision informed Appellant that, in order to appeal the decision, he was required to file a notice of appeal within 30 days of his receipt of the decision. Appellant states that he received the decision on August 9, 1996. His notice of appeal to the Board is postmarked March 7, 2001, and is plainly untimely.

Even if it were timely, this appeal would still require dismissal. Other appeals from similar decisions were filed in 1996. The Board dismissed them for lack of jurisdiction when it became apparent that the appellants were really attempting to challenge a January 17, 1969, Secretarial Order concerning the western boundary of the Colorado River Indian Reservation. West Bank Homeowners Ass'n v. Acting Phoenix Area Director, 31 IBIA 222 (1997); 2/

1/ The BIA position formerly titled Phoenix Area Director is now titled Western Regional Director.

2/ The appellant in West Bank Homeowners Ass'n stated that it was appealing from approximately 110 decisions terminating permits on the Colorado River Indian Reservation. Because the appeal was dismissed on jurisdictional grounds, the Board did not find it necessary to require the appellant to furnish copies of all the decisions it was purporting to appeal. Quite possibly, however, the decision Appellant is now attempting to appeal was one of the 110.

Combs v. Acting Phoenix Area Director, 31 IBIA 224 (1997). Appellant's filing makes it clear that he is attempting to challenge the same Secretarial Order.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed but is dismissed as untimely and for lack of jurisdiction.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge